



US Army Corps
of Engineers

Detroit District

Joint Public Notice

Applicant: City of Ludington

In Reply Refer To: Corps File No. LRE-1987-560126-S08
MDEQ File No. 08-53-66

Date: January 6, 2009
Expires: January 25, 2009

Proposed Rubble Mound Breakwater in Pere Marquette Lake at Ludington, Michigan

Applicant: City of Ludington, 400 South Harrison Street, Ludington, MI 49431

Project Location: In Pere Marquette Lake, Section 15, Township 18N, Range 18W, Ludington, Mason County, Michigan. The site is located at 900 West Loomis Street offshore the public boat launch.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Land and Water Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act.

Project Description: As shown on the attached plans, the applicant proposes to construct a 280 foot long rubble mound breakwater. The proposed breakwater would extend from the shore (located at a point approximately 60 feet north of the existing boat launch) to an existing detached rubble mound breakwater located approximately 200 feet west of the existing boat launch. The proposed structure would be composed of a geotextile fabric layer, a layer of core stone, a layer of mattress stone, a layer of underlayment stone, and a layer of armor stone on the surface of the structure. Approximately 2550 cubic yards of stone would be discharged over geotextile fabric in a 280 x 41.5 foot (base width) area. About 250 cubic yards of material would be dredged from two 280 x 4 foot areas on both sides of the breakwater to a depth of 7 feet below the Low Water Datum elevation of 577.5 feet based on 1985 IGLD. The dredged material would be disposed of at an offsite, upland location. The dredging would be conducted to toe the underlayment stone layer and the armor stone layer. The top of the proposed breakwater would be capped with a 10 ft wide concrete slab, equipped with steel handrails, and would be at an elevation of 584.0 IGLD 1985. The purpose of the work is to eliminate the need for annual maintenance dredging of the boat launch.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Michigan Department of Environmental Quality – NREPA 1994 PA451, Part 325 Great Lakes Submerged Lands.

AVOIDANCE & MINIMIZATION: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: “At this time wind driven waves in the channel deposit sediment at the boat launch site requiring annual dredging to keep the boat launch open. Constructing the breakwater will eliminate the annual maintenance dredging required to keep the boat launch operational. The alternative is to dredge the boat launch area annually” The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-1987-560126-S08 (08-53-66). We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Charles M. Simon, Chief, Permit Evaluation Branch A, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Mollie.H.Mahoney@usace.army.mil, but must include a name and mailing address.

b. State permit and/or water quality certification comments should be filed with the Michigan Department of Environmental Quality (MDEQ), Land and Water Management Division, P.O. Box 30204, Lansing, Michigan 48909.

After the closing of the response period, the Corps and the MDEQ will exchange timely comments received.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from Federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Mollie Mahoney at the Corps of Engineers address listed above, or telephone number 313-226-2033

FOR THE DISTRICT ENGINEER:

Steven E. Chester
Director
Department of Environmental Quality

Charles M. Simon
Chief, Permit Evaluation Branch A
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.